

Description and Tips on the Written Test

The written test is usually administered on the **first day** of the two-day examination. The test has been prepared and designed to require **five hours forty minutes of writing time**. **Two hours and fifty-five minutes** will be allotted to the morning session and two hours and forty-five minutes to the afternoon session.

The written test consists of ten essay questions prepared by the State Board of Law Examiners and a single Multistate Performance Test (MPT) question, which is published by the National Conference of Bar Examiners. **Essay questions one through seven** are administered in the **morning session**, and **essay questions seven through ten and the single MPT question** are administered in the **afternoon session**. **Twenty-five minutes of writing time** are allotted to each of the ten questions of the essay test and **ninety minutes** is allotted for the MPT.

The Board intends that each Essay question carry equal weight. No point values will be assigned on the printed test questions. Questions will be graded on a relative range of one (1) to six (6) points, and a score of zero (0) will be assigned only if an answer booklet is blank or the answer is otherwise totally unresponsive to the question.

The MPT is weighted twice as much as a single essay question. The same six point grading format used for the essay questions is used for the MPT. The maximum possible raw score on the written test will be 72 points (a maximum of 60 points for the ten essay questions and 12 points for the single MPT question).

The cover of each of the written test answer books will bear the number of the essay question to be answered in that book, and there will be a separate book designated for the MPT. The examination number (seat number) will be printed in the upper left hand corner of each answer book.

IMPORTANT NOTICE REGARDING WRITING IN CORRECT EXAMINATION BOOK: THE ANSWERS TO EACH QUESTION ("ONE" THROUGH "TEN" AND THE "MPT") MUST BE WRITTEN IN THE CORRESPONDING EXAMINATION BOOK ("ONE" THROUGH "TEN" AND "MPT") SPECIFICALLY DESIGNATED IN ACCORDANCE WITH THE INSTRUCTIONS. **THE STATE BOARD OF LAW EXAMINERS WILL NOT GRADE AN ANSWER WHICH IS WRITTEN IN THE WRONG BOOK.** ANYONE WHO INADVERTENTLY WRITES AN ANSWER IN THE WRONG BOOK MUST CORRECT THE PROBLEM WITH THE BOARD'S STAFF AT THE EXAMINATION SITE IMMEDIATELY AFTER TIME EXPIRES FOR THAT SESSION. UNDER NO CIRCUMSTANCES WILL SUBSEQUENT ADJUSTMENTS BE MADE FOR PROBLEMS NOT BROUGHT TO THE ATTENTION OF THE BOARD'S STAFF AT THAT TIME. ALL EXAMINATION BOOKS MUST BE TURNED IN, EVEN IF BLANK. DO NOT REMOVE ANY PAGES FROM ANY OF YOUR EXAMINATION BOOKS.

The examination must be written in ink. You must furnish your own pen. The pen should be one which has permanent dark blue, blue-black, or black ink so the writing can be easily read. **THE BOARD WILL NOT GRADE AN ILLEGIBLE ANSWER. YOU MAY WANT TO PRINT YOUR ANSWERS IF YOUR HANDWRITING IS DIFFICULT TO READ.**

Number any subparts of your answers to correspond to the question subpart numbers in the question, but do not copy the questions. Use one side of the page only. You may use the question sheets and statutory extracts for scratch work. You may keep the essay questions and associated statutory extracts. However, you must return all of the MPT test materials.

Examination Scoring and Pass/Fail Determinations

The requirements for passing the Maryland Bar Examination are detailed in the Bar Admission Rules under **Board Rule 5**.

1. An applicant's Total Scale Score for the Maryland Bar Examination will be computed using the following formula:

$$\text{Total Scale Score} = (\text{Written Scale Score} \times 2) + \text{MBE Scale Score}$$

This formula weights the Written Test Score twice as much as the MBE Score. Written Test and MBE scale scores will be rounded to the nearest integer value and reported as whole numbers.

2. To pass the Examination, an applicant must achieve a Total Scale Score of 406 or higher.

3. An applicant's Written Raw Score will be converted to the MBE Scale using the following formula:

$$\text{Written Scale Score} = [(A-B)/C][D] + E, \text{ where}$$

A = the sum of the applicant's raw scores on the 10 essay questions and the MPT

B = the mean of the A values across all applicants

C = the standard deviation of the A values across all applicants

D = the standard deviation of the Maryland applicants' MBE scale scores

E = the mean of the Maryland applicants' MBE scale scores

REGRADE POLICY

In addition to the above passing formula provided for by Board Rule 5, the Board has adopted a review and regrading policy which it applies, following the initial grading of the written answers on the examination, to applicants who did not attain a passing score but who fell within a certain range just below passing. This review and regrading policy is subject to change from time to time and it need not be published since it is a matter of policy only.

The current policy is as follows: **The Board will regrade the written test of an applicant whose total scale score is less than 406 after initial grading, but within 10 points of passing under the passing score criteria described above.** Ordinarily, this means that a test will be regraded if the initial total scale score falls in the range from 396 to 405. Each of the tests in the regrade range will be reread to assure that each question in it has been graded consistent with the benchmarks established by the Board for each question. If, on regrade, the written test score is increased enough to raise the Total Scale Score to 406, the applicant will be passed.

PLEASE NOTE CAREFULLY: The regrading policy set forth above, as applied by the State Board of Law Examiners to those applicants who reach the regrade range following the initial grading process, is a procedure utilized by the Board **BEFORE** the examination results are released. **Once the initial grading and regrading are concluded and the examination results are released, there is NO FURTHER REGRADE PROCEDURE AND NO APPEAL IS PERMITTED.**

SUGGESTIONS FOR SUCCESSFULLY ANSWERING ESSAY QUESTIONS

The policy of the Court of Appeals of Maryland governs the preparation, administration, and grading of the examination. The Court states:

"It is the policy of the Court that no quota of successful examinees be set, but that each examinee be judged for fitness to be a member of the Bar as demonstrated by the examination answers. To this end, the examination shall be designed to test the examinee's knowledge of legal principles in the subjects on which examined and the examinee's ability to recognize, analyze, and intelligibly discuss legal problems and to apply that knowledge in reasoning their solution. The examination will not be designed primarily to test information, memory, or experience."

Presentations at the University of Maryland and the University of Baltimore: During the month of April of each year, the Board of Law Examiners meets with students at the local law schools to discuss the structure of the Bar examination and to explain the characteristics of a good answer to a Bar examination question and how to prepare to take the examination. Contact the Board's office to determine the next scheduled presentation.

The Board lists below some general suggestions for your guidance. These suggestions represent an effort on our part to state what is generally of importance in analyzing the facts of a question and preparing your answers.

1. **The Examination is not a test of how much law you know.** It is a test of your ability to analyze, recognize and intelligibly discuss legal problems, and to apply your knowledge of legal principles to their solutions. Your answers should demonstrate your knowledge and understanding of how to apply the principles and theories of law to the facts given, and to reason logically and in a lawyer like manner to a sound conclusion.
2. **Some individual questions may involve more than one subject area.** For instance, the facts presented may present ethical issues which you must be able to recognize and resolve consistent with the **Rules of Professional Conduct** and the **legitimate interests of the client**.
3. **Read each question carefully and in its entirety;** perform the factual analysis necessary to give you an understanding of the relationship of the parties, the resulting rights and duties and the significance of the facts set out. Many candidates are unsuccessful because of faulty or insufficient factual analyses. Decide upon an orderly and logical organization of your answer. **Then begin to write your concise and complete answer.**
4. **Follow instructions.** If you represent the Plaintiff, argue the facts and the law, to the extent possible, consistent with the legitimate objectives of the Plaintiff. If you represent the Defendant, advocate for him, to the extent possible, anticipating the thrust of the plaintiff's arguments. If you are required to prepare a memo for a judge, prepare the memo in accordance with the instructions and discuss, if necessary, the merits of both sides. **Do not define terms unless requested to do so.**
5. Extracts and statutes are provided to help you. **Use them.**
6. Each question contains the facts sufficient to raise all pertinent issues. **Assume sparingly.** Do not assume away facts, and do not assume facts not given. Do draw inferences from facts which may be ambiguous.
7. As a general proposition there is no preferred formula for the answering of questions; **we suggest**

that you use the logic and analysis appropriate to the facts given and for the question posed.

8. Use proper, clear, and effective English. And **please write legibly**. We cannot grade what we cannot read.

9. We believe that the properly prepared applicant, with a proper understanding of the Examination and a lawyer-like approach to the questions will demonstrate his or her competence with not too much difficulty.

Best wishes for success.